

1 JUDGE STEINBERG: "This" being the TC-8 readings.

2 THE WITNESS: In Dumont, yes.

3 BY MR. RILEY:

4 Q The four digits to the right of the channel
5 designation one --

6 A Yes.

7 Q -- would be at zero --

8 A Yes.

9 Q -- if the WX/JUX/WXTM transmitter ceased to
10 function?

11 A Correct.

12 MR. RILEY: Okay, that's all I want to know.

13 MR. NAFTALIN: Your Honor?

14 JUDGE STEINBERG: Redirect.

15 MR. NAFTALIN: Yes. Do you have a question?

16 MR. ARONOWITZ: I was going to say something that
17 Mr. Riley suggested caused me to have an additional
18 question.

19 JUDGE STEINBERG: Yes. I mean, that was the
20 answer to your earlier question, and my earlier question was
21 if the transmitter blew up, Mr. Turro said there would be no
22 indication in the Dumont studio --

23 MR. ARONOWITZ: Right.

24 JUDGE STEINBERG: -- of that occurring. And I
25 think what Mr. Riley's question indicated was there would be

1 an indication, and that would be if you had channel number
2 one, you would show no power. So there would be a way to
3 tell in Dumont.

4 Okay, that generated another comment?

5 MR. ARONOWITZ: That generated a question. If
6 Your Honor feels it's out of line.

7 JUDGE STEINBERG: What's the question?

8 MR. ARONOWITZ: The question was just as you said.
9 You said that you would be listening to Fort Lee, and you
10 would be able to tell that way. And the only thing I wanted
11 to ask was until the link was deactivated, if the --

12 MR. RILEY: Wait, wait, wait. This is --

13 MR. ARONOWITZ: Wait a minute. Wait a minute.
14 Just let me ask the question, and you can object to it if
15 it's out of --

16 JUDGE STEINBERG: Well, ask the question and then
17 Mr. Turro can tell you -- can give you his response.

18 CROSS-EXAMINATION

19 BY MR. ARONOWITZ;

20 Q If the -- if I understood it correctly, you said
21 if the Monticello transmitter was somehow not transmitting
22 or there was not anything going out or it shut down, you
23 would hear it on the Fort Lee translator; is that correct?

24 You would hear a shut down on the Fort Lee
25 translator, is that what you said?

1 A The example Mr. Riley gave, which has never
2 happened, is if the transmitter at Monticello ceased to
3 generate carry -- actually, it did only happen once. if the
4 transmitter at Monticello stopped putting carrier out at
5 99.7 FM, would I hear it in Fort Lee.

6 And that answer is yes. It only happened once,
7 but I wasn't there.

8 Q Okay. So if you heard it in Fort Lee, and I
9 believe this is with respect to Monticello, I can wait and I
10 can ask it with respect to Fort Lee, but just to clear it
11 up, on that one instance where it happened, or if it did
12 happen, until the link was deactivated would the link be a
13 backup, or is this apples and orange?

14 JUDGE STEINBERG: You're talking about the
15 microwave?

16 MR. ARONOWITZ: Yes.

17 THE WITNESS: Okay, I don't think we are there
18 yet. You're apples and oranges.

19 BY MR. ARONOWITZ;

20 Q But you mentioned that you would still -- if it
21 went down, you would still hear it in Fort Lee. Now, my --

22 JUDGE STEINBERG: No. If the transmitter went
23 down, Mr. Turro, I believe, said if somebody listening in
24 Fort Lee -- that the station would go silent; is that
25 correct, Mr. Turro?

1 THE WITNESS: Yes.

2 MR. ARONOWITZ: Okay. That's -- I thought he said
3 he heard it, or I guess he might have said he would have
4 heard it. I just wanted to make sure in relation to that
5 question that I understood him right.

6 JUDGE STEINBERG: That the station -- if
7 Monticello goes down, Fort Lee goes silent; is that correct?

8 THE WITNESS: Yes.

9 JUDGE STEINBERG: But it never happened, but you
10 said once, did you say?

11 THE WITNESS: It's only once that Monticello was
12 carrier, Your Honor.

13 JUDGE STEINBERG: And why don't you elaborate on
14 that?

15 THE WITNESS: The only time that I, in the history
16 of WJUX Monticello, it was formerly WXTM Monticello, the
17 only time that facility ever lost the ability to generate
18 carrier is when the FCC asked Mr. Spicka to turn it off and
19 on.

20 MR. ARONOWITZ: Okay.

21 BY MR. ARONOWITZ;

22 Q Did it also lose it when the -- there has been
23 testimony with respect to the cut land line.

24 A Yes.

25 Q So did it go -- so when the cut land line --

1 A May I ask you a question? I'm sorry.

2 Q I don't know at this point.

3 A No, go ahead. You go ahead.

4 JUDGE STEINBERG: Ask the question.

5 BY MR. ARONOWITZ;

6 Q You said earlier that the land line from Dumont to
7 Monticello was cut, causing no programming to go --

8 A I didn't say that. That's what you said.

9 JUDGE STEINBERG: Somebody said it.

10 BY MR. ARONOWITZ;

11 Q Somebody said it. There was testimony, you've
12 been here all the time.

13 A Sure.

14 Q Do you recall any testimony where somebody might
15 have suggested that the land line between Dumont and
16 Monticello was cut?

17 A Yes.

18 Q And would there be a -- would there be a resulting
19 indication on here or on the strobe light --

20 A Yes.

21 Q -- or on the TC-8 unit?

22 A Yes.

23 Q What would that be?

24 A The off-air light would blink indicating a loss of
25 data link. Monticello would go off the air also because it

1 lost program audio.

2 Q And when the land line -- and when the land line
3 was cut, was there still audio going out over Fort Lee?

4 A Say that -- I'm sorry.

5 Q When the land line to --

6 A We're talking about a July 6th incident.

7 JUDGE STEINBERG: What year?

8 THE WITNESS: 1995.

9 MR. ARONOWITZ: Okay, just so I understand how
10 this equipment worked.

11 JUDGE STEINBERG: Okay.

12 BY MR. ARONOWITZ;

13 Q When the line, when the line between Dumont and
14 Monticello was cut --

15 A Yes.

16 Q -- was there any -- all right, you said the strobe
17 light went off?

18 A I wasn't there at the time so I can't --

19 Q So you assumed the strobe light went off?

20 A I assumed. I wasn't there.

21 Q Okay. If it was working properly, and we don't
22 know whether it was working properly.

23 A Actually, I may be -- I've got to tell you
24 something. At that particular point in time that light may
25 have even been disconnected at that point in time.

1 Q Okay.

2 A And I wasn't there on July 6th when this happened.

3 Q So absent the light there would have been no
4 indication on any of these --

5 A Well, what would have happened is on July 6th this
6 would have started flashing as it just did showing that it
7 lost --

8 JUDGE STEINBERG: "This" being the digital display
9 in the Dumont PCA.

10 BY MR. ARONOWITZ;

11 Q And when it was -- and when the line was cut, did
12 the audio continue to go to WJUX?

13 A No.

14 Q Okay. So it was because the whole line was --

15 A The whole thing was cut.

16 Q Okay. And when that happened, and you said you
17 used Fort Lee, listening to Fort Lee as --

18 A That's correct.

19 Q Did Fort Lee go off?

20 A You bet it did.

21 MR. ARONOWITZ: Okay, that was my question.

22 MR. NAFTALIN: Let me follow that while it's still
23 fresh in everybody's mind because I think we might -- okay.

24 REDIRECT EXAMINATION

25 BY MR. NAFTALIN:

1 Q You talked about off the air.

2 A Okay.

3 Q I want to define what we mean by that, all right?

4 Your testimony was July 6, 1995, you are aware of
5 a land line cut?

6 A Yes.

7 Q Okay. But first let's do a hypothetical and then
8 we will go to the day, all right?

9 Hypothetically, I drive a backhoe over the land
10 line. I break the land line between Dumont and Monticello.

11 A Yes.

12 Q That would be carrying the programming except I
13 just put a hole in it, all right?

14 A Yes.

15 Q Are you with me on my hypothetical?

16 A Yes.

17 Q Okay. If I break the land line carrying the audio
18 between Dumont and Monticello, would audio -- Jukebox Radio
19 audio cease being transmitted from the WJUX transmitter?

20 A From Dumont to WJUX transmitter? Yes.

21 Q Okay. Would the transmitter at -- would the WJUX
22 transmitter shut off?

23 A No.

24 Q Would the WJUX transmitter continue to have
25 carrier?

1 A Yes.

2 Q Okay. All right.

3 Again, stick with the hypothetical.

4 JUDGE STEINBERG: Would the digital display in
5 Dumont read 4,000?

6 THE WITNESS: It would -- yes.

7 JUDGE STEINBERG: But it would flash?

8 THE WITNESS: Yes.

9 JUDGE STEINBERG: Showing there was some problem?

10 THE WITNESS: Yes.

11 BY MR. NAFTALIN:

12 Q And that problem would be it's sensing a data
13 interruption because the cable just got broke?

14 A Yes.

15 Q Okay.

16 JUDGE STEINBERG: And status light four would
17 light?

18 THE WITNESS: Not necessarily.

19 JUDGE STEINBERG: Okay. Mr. Riley?

20 MR. RILEY: Your Honor, when you asked would what
21 flash? I don't know whether the record --

22 JUDGE STEINBERG: Okay, the digital -- let's go
23 back. The digital display on channel one would flash?

24 THE WITNESS: Yes.

25 JUDGE STEINBERG: But the digital display would

1 show -- it would be channel one and then where there were
2 four zeros, it would be 4,000?

3 THE WITNESS: Yes, sir.

4 JUDGE STEINBERG: Because the carrier was still --

5 THE WITNESS: Yes.

6 JUDGE STEINBERG: Still functioning.

7 THE WITNESS: Yes.

8 JUDGE STEINBERG: Or whatever the term is.

9 THE WITNESS: Yes. At that time I believe the
10 off-air light had been disconnected, the flashing, I
11 believe.

12 MR. ARONOWITZ: Do you know when the off-air light
13 was disconnected?

14 THE WITNESS: I think it was some time in the
15 summer of '95.

16 JUDGE STEINBERG: Okay, let's get back to Mr.
17 Naftalin.

18 THE WITNESS: Maybe the spring of '95. I really
19 don't remember.

20 BY MR. NAFTALIN:

21 Q Let me just continue my way through the
22 hypothetical, all right?

23 We have established the land line the carries
24 audio from Dumont down to Monticello has gotten broken, so
25 WJUX ceases putting Jukebox Radio programming onto the air?

1 A Correct.

2 Q Okay. But does the WJUX transmitter turn itself
3 off?

4 A No.

5 Q Okay. Does that mean that the WJUX transmitter
6 continues to transmit carrier?

7 A Yes.

8 Q Okay. We are now at the point where WJUX, the
9 WJUX transmitter is transmitting -- can I --

10 A Dead carrier.

11 Q Dead carrier. Thank you.

12 The WJUX transmitter is transmitting dead carrier.
13 What would -- if I was up in Dumont listening to 103.1 FM,
14 what would I hear?

15 A Dead carrier.

16 Q What does that sound like?

17 A Nothing. Not noise, just silence.

18 Q Okay, kind of quiet?

19 A Very quiet.

20 Q All right. Would Jukebox Radio programming
21 automatically show up on the Fort Lee translator because of
22 some other mechanism?

23 A I don't understand the question.

24 Q All right. Fort Lee has now gone to dead carrier
25 because there has been -- back up the line there was a break

1 in the land line carrying programming, right?

2 A Yes.

3 Q Okay. We are now hearing dead carrier when you
4 listen to 103.1 in Fort Lee?

5 A Yes.

6 Q Okay. How long would you hear dead carrier?

7 A Until the circuit was completed to Monticello.

8 Q What do you mean by "the circuit"?

9 A That 56 kilobyte circuit was prepared.

10 Q So if it took 10 hours to repair the 56 kilobyte
11 circuit, what would you be hearing on 103.4 in Fort Lee?

12 A Dead air.

13 Q All right.

14 A Dead carry.

15 Q All right. Now, you mentioned July 6, 1995.

16 A Yes.

17 Q Why did you mention that?

18 A That was the first time that I can remember that
19 we had lost the complete circuit to Monticello, New York.

20 Q Meaning between Dumont and Monticello?

21 A Yes, sir. I'm sorry.

22 Q And does that mean the circuit that carries the
23 Jukebox Radio audio?

24 A That is correct.

25 Q Okay, tell us about that.

1 A Apparently there was some construction on the New
2 York State Thruway somewhere. The construction crew had dug
3 up a fiber optic cable and broke it in half. That happened
4 at approximately 1:30 on July 6th. It could have been 1:45
5 or 2:00, but it's basically at 1:30.

6 Q Okay.

7 A At which point we lost audio feed, our network
8 programming to WJUX, and the subsequent translators went off
9 the air with it.

10 Q Do you know that, to your knowledge?

11 A Oh, most definitely.

12 Q How do you know that?

13 A Because I know where I was that day, and who I was
14 with.

15 Q Tell us.

16 A Herman Hurst had come to inspect the facilities,
17 the translator facilities that particular day, and wanted to
18 go see WJUX Monticello. We were driving up the New York
19 State Thruway in his car, as a matter of fact. I said, "We
20 should be in range. Put on 99.7 FM so you can hear this
21 thing."

22 And he puts it on and there is nothing, zero.

23 Q What do you mean by "nothing"?

24 A Dead carry.

25 And I said, "Geeze, you really have a lousy radio

1 in this Cadillac, Herman. It should work better than this.
2 We're almost in the range."

3 And we got closer and closer, and I said, "Wait a
4 minute." I said, "Go to 99.3." The radio worked fine.
5 99.3 is a low-power FM up in the area.

6 Q So you were able to pick up another station; is
7 that right?

8 A Right.

9 Q Okay.

10 A So at which point I started jumping up and down.
11 i said, "We got to get there. I got to get to a phone to
12 find out what the devil is going on."

13 Arrived at the studios at WJUX Monticello, walked
14 in the room. Carol Montana comes running out saying,
15 "you've got to call the network back in Dumont. You know,
16 they don't hear anything back there. Apparently you are off
17 the air here. There is a problem. They can't hear in Fort
18 Lee or Pomona."

19 At which point I said, "Okay." I tried to call
20 them and I couldn't call them because all circuits were dead
21 because of the cut.

22 So I finally got hold of the network. I called
23 them on a cellular phone. I called them up and I said, "Hi,
24 this is Jerry. What's going on?"

25 "Well, we've been off the air for like 45 minutes

1 here. We can't hear anything. We don't know what's going
2 on."

3 And I said, "Don't worry about it. The problem is
4 here in Monticello. It's not the translator that went off.
5 It's not something in the studio that went off. The problem
6 is here. Don't panic."

7 Q By "went off," you mean something broke?

8 A They were getting dead carrier in Pomona and Fort
9 Lee.

10 Q All right.

11 A I then took the same cell phone and called up
12 AT&T, and I said, "Listen, I'm a customer of yours. You
13 know, what's going on here?"

14 They said, "'Well, it's been cut. We know where
15 it is. You should be on the air any minute."

16 Well, seven hours later they fixed the circuit.

17 Q Okay. So to your knowledge, this land line cut
18 interrupted the carriage of the audio programming from
19 Dumont down to Monticello for about seven hours?

20 A Yeah, about that.

21 Q I mean, take an hour or --

22 A Yeah, about that.

23 Q All right. And during that entire period of time
24 was the Pomona translator not transmitting Jukebox Radio
25 programming?

1 A It was translating nothing.

2 Q It was translating nothing.

3 Q Same question for the Fort Lee translator.

4 A Translating nothing.

5 Q Okay. Now, you said -- so who was with you during
6 this incident?

7 A Mr. Herman Hurst --

8 MR. ARONOWITZ: Excuse me.

9 JUDGE STEINBERG: Okay, let him finish.

10 MR. ARONOWITZ: Oh.

11 THE WITNESS: Mr. Herman Hurst was with me that
12 day. He witnessed what happened that day on July 6th, and
13 so was Mr. Dan Miller, then attorney from Koteen and
14 Naftalin.

15 BY MR. NAFTALIN:

16 Q And were they -- in fact, they were with you in
17 the car when you --

18 A Yeah, they were with me when I was on the phone.
19 Actually, when they came back to drop me off in Dumont it
20 was still off the air, and that was around 6:00 at night
21 because they had a flight to catch, and it was still off the
22 air.

23 Q Why --

24 MR. ARONOWITZ: Objection, Your Honor.

25 JUDGE STEINBERG: What's the objection?

1 MR. ARONOWITZ: It's more in the nature of a
2 question, but I just --

3 JUDGE STEINBERG: Well, if it's an objection --

4 MR. ARONOWITZ: It's an objection. Is this
5 testimony for which we're going to get cross-examination or
6 is this --

7 JUDGE STEINBERG: You get recross, sure.

8 MR. ARONOWITZ: Okay.

9 MR. NAFTALIN: I would have no objection to
10 recross on that.

11 MR. ARONOWITZ: Timing, timing, that was where I
12 was going.

13 MR. NAFTALIN: I will represent to you that I will
14 not object to cross on this subject.

15 BY MR. NAFTALIN:

16 Q Why were Mr. Hurst and Mr. Miller there at that
17 time? Did Mr. Hurst and Mr. Miller live in that area?

18 A No, they came --

19 Q Why were they up there?

20 A I'm sorry.

21 They came down from the Washington area on that
22 particular day because we were preparing a response to Mr.
23 Norman Goldstein's letter of June of 1995, and they were
24 going to help me in the preparation of that letter, and they
25 wanted to come down and see the facilities, understand the

1 facilities, and saw how they worked before they penned their
2 name to anything. So they had come down that particular
3 day.

4 Q So --

5 MR. ARONOWITZ: I'm just going to raise another
6 minor objection in the sense that if Mr. Turro is testifying
7 with respect to Fort Lee now, maybe it would be helpful for
8 us to have the configuration so that we can -- I'm not sure
9 exactly what he is testifying to.

10 JUDGE STEINBERG: Well --

11 MR. NAFTALIN: It has nothing to do with this.

12 JUDGE STEINBERG: Okay.

13 MR. ARONOWITZ: Well, that's my point. I mean, if
14 you are testifying that it has nothing to do with this.

15 JUDGE STEINBERG: The objection is overruled.

16 There was questioning as to what happens if the -- what
17 happens if the transmitter blows up. There was questioning
18 what happens if the audio circuit from JUX and the data
19 circuit -- excuse me -- from Dumont to the transmitter gets
20 cut, as represented in Chart 1. And this is an answer to
21 the question. There was an actual situation which occurred,
22 and Mr. Turro was explaining it.

23 You will have full opportunity to cross-examine on
24 this. I think it's -- and even if this was not appropriate
25 at this time, I think this information that we need for a

1 full and complete record, and it would come in anyway.

2 MR. ARONOWITZ: No dispute, Your Honor. It's a
3 timing question.

4 JUDGE STEINBERG: You will have time.

5 BY MR. NAFTALIN:

6 Q All right, when -- on this day, July 6, 1995, and
7 you've stated Mr. Miller and Mr. Hurst were there.

8 Was this the period when Mr. Hurst came to inspect
9 your facilities which resulted in his later in July 1995
10 statement that was filed with the FCC?

11 A Yes.

12 Q Okay. And that -- well, never mind. We will g et
13 to that.

14 JUDGE STEINBERG: Okay.

15 BY MR. NAFTALIN:

16 Q Mr. Turro, you sat through this entire hearing,
17 yes?

18 A Yes.

19 Q Do you recall testimony by other witnesses about a
20 land line cut that may have happened in the summer of 1995?

21 A Yes.

22 Q Do you believe that that testimony related to the
23 land line cut on July, 6, 1995, you're talking about?

24 A Yes.

25 Q Do you have personal knowledge of any other line

1 cut?

2 A There was another cut six to 12 months later. I
3 can't be more specific. It lasted, oh, an hour or two. It
4 happened about 10:00 in the morning, as I recall. I don't
5 remember nay specifics about it.

6 Q Do you remember whether --

7 A I know what happened, what caused it, but I don't
8 remember --

9 Q Do you remember whether Jukebox Radio programming
10 went off the air? Did it go off the air in exactly the same
11 way it went of the air on --

12 A Most certainly. Most certainly.

13 Q Let me finish.

14 Did it drop off the air in exactly the same way it
15 did on July 6, 1995?

16 A With dead carrier, yes.

17 Q Dead carrier from the Monticello station to the
18 Pomona translator and the Fort Lee translator?

19 A Yes.

20 Q And is that true, dead carrier at all three
21 stations during the entire time that the line was cut?

22 A Yes.

23 Q All right, a couple other quick questions and then
24 I think we can move on.

25 I may not have the exact words right, but when Mr.

1 Aronowitz was asking you some cross-examination questions a
2 few minutes ago he said if nothing -- he was asking you
3 about when the strobe light may turn on or off, back when
4 you had the strobe light connected. And he said something
5 like "So nothing could happen on the land line, but the
6 strobe light would go off automatically."

7 Maybe I have it wrong. Let me ask you this
8 question. Did something have to happen on the land line to
9 set off the strobe light?

10 A If the land line were severed, as it was on at
11 least two cases.

12 Q Right.

13 A The off-air light would flash.

14 Q But okay, great.

15 In addition to that, if the data channel was
16 working perfectly, no problem with the data channel.

17 A Are we talking about the remote control data
18 channel?

19 Q We're talking about the remote control data
20 channel that went along the land line, multiplexed along the
21 land line between Dumont and Monticello.

22 Let's assume that that remote control data channel
23 is working like a champ, no problem, okay? Would the strobe
24 light ever go off?

25 A Not that I recall.

1 Q Okay. The strobe light, to the best of your
2 understanding, would the strobe light only react to some
3 kind of problem in the data channel?

4 A Yes.

5 Q Okay. It wouldn't kind of just go off all on its
6 own, to the best of your knowledge?

7 A No, I just tried demonstrating that. No.

8 Q All right. I want to ask you one last question.
9 I have kind of a sum up question because we have went around
10 and around and around about how the TC-8 that lives in
11 Dumont would do, okay.

12 Can you summarize and tell us whether there were
13 sort of three general things that it did? I mean, you tell
14 me.

15 A I will try to simplify this for everyone.

16 Q Just in general terms. I mean, not --

17 A In real general terms.

18 The remote control box has there functions;
19 Metering, tell me what's going on, and numbers. That's
20 number one. Number two, turn things on and off. Number
21 three, tell me the status of that. So it basically has
22 three separate distinct functions, and one does not
23 necessarily correspond to the other, necessarily.

24 MR. NAFTALIN: Thank you.

25 JUDGE STEINBERG: Recross.

1 You look confused. What are you confused about?

2 MR. ARONOWITZ: I'm --

3 MR. HELMICK: Do you want me to go first or what?

4 MR. ARONOWITZ: Go ahead.

5 JUDGE STEINBERG: Let Mr. Helmick go first this
6 time.

7 RECROSS-EXAMINATION

8 BY MR. HELMICK:

9 Q Mr. Turro, why don't you take a seat up there. On
10 what I have questions on, I don't think I need to keep you
11 standing here.

12 This incident that you discussed where the 56
13 kilobyte data circuit, which provided the audio feed from
14 Dumont to Monticello, and the remote control data channel
15 combined in that. When that channel was cut on July 6,
16 1995, it not only severed the audio feed, it severed the
17 data feed and disrupted the data feed?

18 A Correct.

19 Q WJUX transmitter still stayed on the air?

20 A Correct.

21 Q But there was no programming going to the
22 transmitter and you wind up with a dead channel?

23 A Dead carrier, correct.

24 Q Dead carrier, okay.

25 In that instance, in that instance, the light, the

1 strobe light back in the Dumont studio would go off, would
2 it not?

3 JUDGE STEINBERG: The testimony was he wasn't sure
4 that it was connected --

5 MR. HELMICK: Well, that's because he wasn't
6 there.

7 THE WITNESS: In theory, it would. I wasn't --

8 BY MR. HELMICK:

9 Q In theory, it would?

10 A In theory, it would.

11 Q Not only in theory, but that's the way it was set
12 up. If the data -- your testimony was that if the data
13 channel was interrupted in any way, anything happened to it,
14 the strobe light would go off?

15 A Correct.

16 Q In this case, not only did something happen to the
17 data channel, but the audio channel was cut.

18 A Correct.

19 Q So the strobe light would go off, would it not?

20 A It should go off, yes.

21 Q Yes.

22 A I wasn't there to see it, but, yes, it should go
23 off.

24 Q And in that instance, at least, when the strobe
25 light went off it did indicate that no programming was being

1 transmitted by WJUX?

2 A Correct.

3 Q Thank you.

4 Now, on this July 6th --

5 JUDGE STEINBERG: Wait, let me just -- but that
6 doesn't mean that the strobe light went off. That doesn't
7 mean the transmitter was dead.

8 THE WITNESS: No, sir.

9 JUDGE STEINBERG: I don't want to confuse two
10 different concepts.

11 MR. HELMICK: That's correct.

12 BY MR. HELMICK:

13 Q On the July 6, 1995, incident, you described, you
14 said Herman Hurst and Dan Miller were up there, going up to
15 the Monticello -- going up to WJUX. You were with them?

16 A Yes.

17 Q When you found out about this cable cut, did
18 either you or did you instruct anyone at Jukebox Radio to
19 call up the Bergen County Emergency Management?

20 A No.

21 Q You're positive of that?

22 A Absolutely positive.

23 Q And no one ever asked the agency to authorize use
24 of the microwave facility because there was an emergency?

25 A Absolutely no.